

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:

HIGHLAND CAPITAL MANAGEMENT, L.P.,¹

Reorganized Debtor.

)
) Chapter 11
)
) Case No. 19-34054-sgj11
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**DECLARATION OF RICHARD L. WYNNE IN SUPPORT OF HIGHLAND CAPITAL
MANAGEMENT, L.P., HIGHLAND CLAIMANT TRUST, AND JAMES P. SEERY,
JR.'S JOINT MOTION FOR AN ORDER REQUIRING SCOTT BYRON ELLINGTON
AND HIS COUNSEL TO SHOW CAUSE WHY THEY SHOULD NOT BE HELD IN
CIVIL CONTEMPT FOR VIOLATING THE GATEKEEPER PROVISION AND
GATEKEEPER ORDERS**

I, Richard L. Wynne, hereby declare under penalty of perjury as follows:

1. I make this declaration (this "Declaration") in support of *Highland Capital Management, L.P., Highland Claimant Trust, and James P. Seery, Jr.'s Joint Motion for an Order Requiring Scott Byron Ellington and His Counsel to Show Cause Why They Should Not Be Held in Civil Contempt for Violating The Gatekeeper Provision and Gatekeeper Orders* (the "Motion").

I have personal knowledge of the facts set forth in this Declaration and, if called to testify, could and would testify competently to them. Capitalized terms used but not defined in this Declaration shall have the meanings ascribed to such terms in the Motion.

2. I am a partner at Hogan Lovells US LLP ("Hogan Lovells") and admitted to practice in California, New York and New Jersey. I am the lead partner representing Hon. Russell F. Nelms (Ret.) and John Dubel in their capacities as former Independent Directors of Strand

¹ Highland's last four digits of its taxpayer identification number are (8357). The headquarters and service address for Highland is 100 Crescent Court, Suite 1850, Dallas, TX 75201.

Advisors, Inc., the general partner of Highland, during the Chapter 11 Case prior to the Effective Date.

3. Attached hereto as Exhibit 1 is a true and correct copy of a document subpoena served on Judge Nelms in the Stalking Action on or around November 12, 2022.

4. Attached hereto as Exhibit 2 is a true and correct copy of email correspondence from November and December 2022 from (i) John Dubel to Michael Hurst and (ii) Judge Nelms, Michael Hurst and Julie Pettit.

5. Attached hereto as Exhibit 3 is a true and correct copy of the deposition subpoena served on Judge Nelms in the Stalking Action on June 14, 2023.

6. Attached hereto as Exhibit 4 is a true and correct copy of a chain of correspondence between Hogan Lovells and Ms. Pettit from June and July 2023 (excluding attachments).

7. Attached hereto as Exhibit 5 is a true and correct copy of a deposition subpoena served on Judge Nelms in the Stalking Action on August 22, 2023.

8. Attached hereto as Exhibit 6 is a true and correct copy of an email from Julie Pettit to Hogan Lovells dated September 5, 2023, including the list of deposition topics attached to the email.

9. Attached hereto as Exhibit 7 is a true and correct copy of the Certification of John Dubel filed on February 20, 2023, in the New Jersey contempt action.

10. Attached hereto as Exhibit 8 is a true and correct copy of the Order to Show Cause and accompanying documents served on John Dubel on February 8, 2023.

11. Attached hereto as Exhibit 9 is a true and correct copy of a chain of correspondence between Hogan Lovells and Ms. Pettit between September 5, 2023 and September 13, 2023.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 13, 2023 at Woodland Hills, California

/s/ Richard L. Wynne
Richard L. Wynne